

OCT 18 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lucian V. Di Pietro, et al.	Attorney Docket No. A-846-US-NP
Application No.: 10/804,915	Art Unit No.: 1626
Filed: March 19, 2004	Examiner: Rebecca L. Anderson
Title: HETEROCYCLIC COMPOUNDS AND METHODS OF USE	RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This communication is in response to the Office Action mailed September 28, 2006, concerning the above-referenced patent application.

REMARKS

In response to the restriction requirement set forth in the Office Action mailed September 28, 2006, Applicants hereby provisionally elect Group I, claims 1-50 for examination, with traverse. Applicants provisionally elect the species of Example 259. Applicants reserve the right to traverse the requirement pending the Examiner's forthcoming determination of the "scope of the independent invention".

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 01-0523.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) (2 pages total) is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300, on the date shown below:

October 18-2006
Date

Julie M. Barst
Julie M. Barst